

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY  
LITIGATION (NO. VI)

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Civil Action No. MDL 875

This Document Relates to:

Howard Durant Rhyne and  
Frances C. Rhyne, wife,

District of South Carolina,

Plaintiffs,

Civil Action No. 0 : 09 - 1512

vs.

**COMPLAINT**

Aqua-Chem, Inc.  
*(d/b/a Cleaver-Brooks Division);*  
Borg-Warner Morse TEC, Inc.;  
CertainTeed Corporation;  
A.W. Chesterton Company;  
Fluor Daniel, Inc.;  
Fluor Daniel Services Corporation;  
General Refractories Company;  
Georgia Pacific Corporation;  
National Service Industries, Inc.;  
Rapid-American Corporation  
*(successor by merger to Glen Alden Corporation,  
Briggs Manufacturing Company, Philip Carey  
Corporation and Philip Carey Manufacturing  
Company);*  
Union Carbide Corporation;  
Viacom, Inc.  
*(successor by merger to CBS Corporation f/k/a  
Westinghouse Electric Corporation),*

Defendants,

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Plaintiffs hereby adopt and incorporate Plaintiffs' Master Long Form Complaint in Re: Asbestos Litigation in the United States District Court for the Eastern District of Pennsylvania, filed as Miscellaneous No. 86-0457. Pursuant to the October 8, 2008, Order of Honorable Eduardo C. Robreno, the following short-form Complaint is utilized in this asbestos action:

1. Howard Durant Rhyne, The Injured Plaintiff (“plaintiff-worker”) and Frances C. Rhyne, (“plaintiff-worker’s spouse”). Plaintiff’s Address, Social Security Number, and Date of Birth information is available upon request.

2. The Court has jurisdiction of this matter pursuant to the Multidistrict Litigation Order dated July 29, 1991, Civil Action No. MDL 875. Moreover, the Plaintiffs are citizens of the State of South Carolina and no defendant is a citizen or has a principal place of business in the State of South Carolina. Further, the amount in controversy, exclusive of interest and costs, exceeds \$100,000.00.

3. The Defendants are those companies listed in the caption.

4. Plaintiffs hereby incorporate by reference the following counts from the Master Long-Form Complaint: Counts I, II, III, IV and V.

5. Plaintiff-worker's asbestos employment history, including, to the extent possible at this time, the asbestos products to which deceased plaintiff-worker was exposed is attached hereto as Schedule I.

6. Plaintiff-worker was diagnosed with asbestosis by William F. Alleyne, M. D. on September 21, 2006.

7. Plaintiffs certify that they have not been a party to any related third-party asbestos litigation.

8. Plaintiffs hereby demand a trial by jury on all issues of fact.

Respectfully submitted,

WALLACE AND GRAHAM, P.A.

By: s/Mona Lisa Wallace  
S.C. Bar No.: 07216  
Attorney for Plaintiff  
WALLACE & GRAHAM, P.A.  
525 North Main Street  
Salisbury, North Carolina 28144  
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E-Mail: mwallace@wallacegraham.com

Date: 6/10/09

HOWARD DURANT RHYNE  
SCHEDULE I  
Plaintiff-Worker Employment History  
Asbestos Exposure Worksite Information

OCCUPATION:

Pipe Fitter  
Father's Business-Residential Plumber  
Naval Gunner

EMPLOYER/WORKSITE:

APPROXIMATE DATES:

Hoechst Celanese – Rock Hill, SC  
Self-Employed Plumber – Rock Hill, SC  
US Navy – USS Hegira

1948 – 1987  
1947  
1942 – 1945

RELATED ASBESTOS LITIGATION:

None

SMOKING HISTORY:

1 ppd. 1941 - 1968

PRODUCTS CONTAINING ASBESTOS:

Raw Asbestos Fiber, Pipe Covering, Block, Cements, Gaskets, Refractory Materials, Boilers, Joint Compounds, Wall Board, and other asbestos containing materials.

DEPENDENTS:

Frances C. Rhyne, wife

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DEFENDANTS LIST**

Aqua-Chem, Inc., d/b/a Cleaver-Brooks Division  
7800 North 113th Street  
Milwaukee, WI 53224-3136

Borg-Warner Morse TEC, Inc.  
3850 Hamlin Road  
Auburn Hills, MI 48326

CertainTeed Corporation  
CT Corporation System  
225 Hillsborough Street  
Raleigh, NC 27603

A.W. Chesterton Company  
PO Box 4004  
Woburn, WA 01888-4004

Fluor Daniel, Inc.  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

Fluor Daniel Services Corporation  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

General Refractories Company  
225 City Avenue, Suite 114  
Bala Cynwyd, PA 19004

Georgia Pacific Corporation  
CT Corporation System  
75 Beattie Place  
Greenville, SC 29601

National Service Industries, Inc.  
Corporation Service Company  
327 Hillsborough Street  
Raleigh, NC 27603

Rapid-American Corporation  
Corporation Service Company  
2711 Centerville Road, Ste. 400  
Wilmington, DE 19808-1645

Union Carbide Corporation.  
CT Corporation System  
225 Hillsborough Street  
Raleigh, NC 27603

Viacom, Inc.  
Corporation Service Company  
2711 Centerville Road, Ste. 400  
Wilmington, DE 19808-1645